



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,159	02/03/2004	Anna J. Mattson	26377.CON2	9627

9355 7590 09/11/2006

JACQUELINE E. HARTT, PH.D
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
P.O. BOX 3791
ORLANDO, FL 32802-3791

EXAMINER

EBIRIM, EMEKA

ART UNIT PAPER NUMBER

2166

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,159	MATTSON ET AL.	
	Examiner	Art Unit	
	Emeka Ebirim	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 12-17, 20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/07/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. The application has been examined. Claims 12-17 and 20 have been restricted. Claims 1-11, 18-19 are rejected as detailed below and are pending in this office action.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-11, 18-19 drawn to subject matter directed to methods of budget information and creation system generating database or data structure (e.g., via user interface), classified in class 707, subclass 102.

Group II. Claims 12-17 and 20 drawn to methods of accessing and searching a remote budget database providing a specific element in an interface with which a user can interact classified in class 715, subclass 764.

The inventions are distinct, each from the other because of the following reasons: inventions group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention group II has separate utility such as accessing and searching a remote budget database providing a specific element in an interface with which a user can interact. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Jacqueline Hartt on 09/01/2006 a provisional election was made without traverse to prosecute the invention of Group I. Applicant in replying to this Office action must make affirmation of this election. Claims 12-17 and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6-11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites "the output budget data" in line 3 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 7-11 fail to resolve the deficiency of claim 6 and as such inherit the same rejection.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application with useful, concrete and tangible result.

Claims 2-11, 18-19 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an environment or machine which would result in a practical application producing a concrete useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The claims are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application. These claims appear to constitute solely

Art Unit: 2166

software per se. As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 2-3, and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No: 5,189,608 to Lyons et al (hereinafter Lyons).

Claim 2.

Lyons discloses:

A budget information system comprising [See Lyons Col 2 lines 30-38, 47-49]:

a budgetary information database comprising numerical data and textual identifiers imported from a plurality of remote sites, each site housing data for an aspect of a budget for a plurality of subdivisions of a unitary organization, the numerical data extracted from the remote sites into a spreadsheet application, the textual identifiers extracted from the remote sites into a word processing application, the database configured into a coherent hierarchical format having accessible links to budget data for the plurality of subdivisions

[See Lyons, database, electronic worksheet, spreadsheet, Col 2 lines 30-37, 55-60, Col 4 lines 1-4, 29-30, Fig 1, Col 3 lines 9-11, Col 23 lines 3-4];

means for receiving a keyword selected by a user remote from the database over a network [QUERY function, See Lyons Col 6 lines 9-11];

means for matching data in the database with the keyword and for outputting at least one subdivision related to the keyword [See Lyons Col 2 lines 30-32, Col 6 lines 6-8];

means for receiving a user selection of at least one subdivision for tracking [See Lyons, INPUT function, Col 6 lines 6-8];

means for formatting and outputting matched budget data and a textual identifier found from the database search commensurate with the selected subdivision [See Lyons Col 10 lines 3-6]; and

means for automatically updating the budget data and textual identifier of the selected subdivision upon subsequent user access [See Lyons Col 6 lines 23-34].

Claim 3.

Lyons discloses the elements of claim 2 as above and furthermore it discloses, wherein the system further comprises software installable on a processor, the software adapted to output a list of database subdivisions, the keyword selectable from the list of subdivisions, and to perform the database search [See Lyons Col 4 lines 29-31].

Claim 6.

Lyons discloses the elements of claim 3 as above and furthermore it discloses, wherein the software comprises:

means for importing the output budget data into a spreadsheet application [electronic worksheet (spreadsheet), Lyons Col 6 lines 6-9, Col 22 line 62];

means for importing text material related to the output budget data into a word processing program [word processing, Lyons Col 6 lines 6-9, Col 23 line 3]; and

means for correlating the text material and the output budget data for presentation on a unitary screen [See Lyons, Table XIV, Col 21 lines 35-59].

Claim 7.

Lyons discloses the elements of claim 6 as above and furthermore it discloses, wherein the output budget data are selected from a group consisting of previous time period data, current time period data, and proposed future time period data [See Lyons, Col 4 lines 32-38].

Claim 8.

Lyons discloses the elements of claim 6 as above and furthermore it discloses, wherein the software further comprises means for calculating and presenting a percentage of a total budget appropriated for each subdivision [Col 18 lines 4-31].

Claim 9.

Lyons discloses the elements of claim 6 as above and furthermore it discloses, wherein the software further comprises means for importing with the budget data a number of personnel positions associated with each subdivision [Col 5 lines 34-35, Col 6 lines 18-20].

Claim 10.

Lyons discloses the elements of claim 6 as above and furthermore it discloses, wherein the software further comprises means for importing with the budget data a contact agent associated with each subdivision, and for presenting a name of the contact agent and contact information for the contact agent [Col 3 lines 3-14, Col 4 lines 29-30].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1, 4-5, 11, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons in view of Patent No: 6,128,602 to Northington et al (hereinafter Northington).

Claim 1.

Lyons discloses:

A budget information and creation system comprising [See Lyons Col 2 lines 30-38, 47-49]:

a processor having means for connecting with a network [See Lyons, processor, network, Col 3 lines 64-68, Col 4 lines 7-10, Fig 1];

a budgetary information database accessible by the processor via the network, the database comprising numerical data and textual identifiers imported from a plurality of remote sites, each site housing data for an aspect of a budget for a plurality of subdivisions of a unitary organization, the numerical data extracted from the remote sites into a spreadsheet application, the textual identifiers extracted from the remote sites into a word processing application, the database configured into a coherent hierarchical format having accessible links to budget data for the plurality of

subdivisions [See Lyons, database, electronic worksheet, spreadsheet, Col 2 lines 30-37, 55-60, Col 4 lines 1-4, 29-30, Fig 1, Col 3 lines 9-11, Col 23 lines 3-4];

a budgetary information software system resident on the processor comprising:

a code segment for interfacing with a user remote from the database over a network [See Lyons, interface, Fig 1, Col 3 lines 3-7, Col 6 lines 9-11];

a code segment for permitting the user to create a budget for one of the subdivisions using at least some of the numerical data and textual identifiers [See Lyons, Col 10 lines 3-6, Col 6 lines 23-25, Col 14 lines 12-25];

a code segment for transmitting the created budget to a predetermined remote site via the network [See Lyons, Col 6 lines 18-22, Col 23 lines 14-17 Fig 1]; and

Lyons discloses the elements of claim 1 as above but it does not explicitly indicate "presenting to the user a link for automatically notifying". Northington discloses the claimed limitation [See Northington, Col 10 lines 56-64, Col 8 lines 1-6, Fig 8-9].

It will would have been obvious to one of ordinary skill in the art to have combined the cited references because presenting to the user a link for automatically notifying the user after transmission as disclosed by Northington would have enabled Lyons to have a system that enables easy real-time consolidation, monitoring and control of an entity's financial transactions as performed by various independent computerized systems [See Northington Col 2 lines 23-26].

Furthermore Northington's system would enable Lyons to process and store information obtained form a plurality of financial and/or other computerized systems [See Northington Col 2 lines 45-47].

Claim 4.

Lyons discloses the elements of claim 3 as above but it does not explicitly indicate "government agencies and the budget". Northington discloses the claimed limitation [See Northington, Col 1 lines 14-18, 21-25, Col 2 lines 36-39].

It will would have been obvious to one of ordinary skill in the art to have combined the cited references because the inclusion of government agencies and the budget as disclosed by Northington would have enabled Lyons to effectively and accurately monitor a large-scale financial entity (such as a corporation, government, business conglomerate), by controlling the financial activities of its divisions, departments and employees [See Northington, Col 1 lines 21-25].

Furthermore Northington disclosure would enable Lyons system to have easy real-time consolidation, monitoring and control of an entity's financial transactions as performed by various independent computerized systems [See Northington Col 2 lines 23-26].

Claim 5.

The combination of Lyon and Northington discloses the elements of claim 4 as above and furthermore Northington discloses wherein a first database subdivision comprises a plurality of line items, each line item having a separate budget, the sum of the line items equaling a total budget for the first database subdivision [See Northington Col 2 lines 35-39, 44-47, 60-64].

Claim 11.

Lyons discloses the elements of claim 10 as above but it does not explicitly indicate "contact electronic linkage". Northington discloses the claimed limitation [See Northington, Col 10 lines 56-64, Col 8 lines 1-6, Fig 8-9].

It will would have been obvious to one of ordinary skill in the art to have combined the cited references because presenting to the user a link for automatically notifying the user after transmission as disclosed by Northington would have enabled Lyons to have a system that enables easy real-time consolidation, monitoring and control of an entity's financial transactions as performed by various independent computerized systems [See Northington Col 2 lines 23-26].

Furthermore it would enable Lyons to process and store information obtained from a plurality of financial and/or other computerized systems [See Northington Col 2 lines 45-47].

Claim 18.

Lyons discloses the elements of claim 2 as above but it does not explicitly indicate "creating an electronic folder containing an electronic link". Northington discloses the claimed limitation [See Northington, Col 10 lines 56-64, Col 8 lines 1-6, Fig 8-9].

It will would have been obvious to one of ordinary skill in the art to have combined the cited references because presenting to the user a link for automatically

Art Unit: 2166

notifying the user after transmission as disclosed by Northington would have enabled Lyons to have a system that enables easy real-time consolidation, monitoring and control of an entity's financial transactions as performed by various independent computerized systems [See Northington Col 2 lines 23-26].

Furthermore it would enable Lyons to process and store information obtained from a plurality of financial and/or other computerized systems [See Northington Col 2 lines 45-47].

Claim 19.

The combination of Lyons and Northington discloses the elements of claim 18 as above and furthermore Northington discloses means for receiving user comments and for storing the received user comments in the electronic folder [See Northington, Col 10 lines 56-64, Col 8 lines 1-6, Fig 8-9].

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the accompanying PTO-892 form.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Name: Emeka Ebirim
Art Unit: 2166



**HOSAIN ALAM
SUPERVISORY PATENT EXAMINER**